
By: **Charles County Delegation**

Introduced and read first time: February 7, 2003

Assigned to: Environmental Matters

Committee Report: Favorable

House action: Adopted

Read second time: March 18, 2003

CHAPTER _____

1 AN ACT concerning

2 **Charles County - State's Attorney - Authority to Appoint Staff and Set**
3 **Salaries**

4 FOR the purpose of authorizing the State's Attorney for Charles County to appoint
5 deputy State's Attorneys; repealing a provision of law limiting the State's
6 Attorney to appointing the number of assistant State's Attorneys approved by a
7 certain Circuit Court judge; requiring that, subject to the approval of the County
8 Commissioners of Charles County, the State's Attorney shall set the salaries of
9 deputy State's Attorneys, assistant State's Attorneys, and certain clerical,
10 administrative, investigative, and other assistants; and generally relating to the
11 State's Attorney's authority to appoint and set the salaries of the deputy State's
12 Attorney, assistant State's Attorneys, and clerical, administrative, investigative,
13 and other assistants in Charles County.

14 BY repealing and reenacting, with amendments,
15 Article 10 - Legal Officials
16 Section 40(i)
17 Annotated Code of Maryland
18 (2001 Replacement Volume and 2002 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:

1

Article 10 - Legal Officials

2 40.

3 (i) (1) In Charles County, the State's Attorney's salary shall be 90% of the
4 salary of a judge of the District Court of Maryland. In addition to the compensation
5 provided for in this section, the State's Attorney shall be entitled to reimbursement
6 for reasonable expenses during his performance of duties, subject to the approval of
7 the County Commissioners. Except in connection with and in performance of duties as
8 State's Attorney, while in office the State's Attorney shall serve full time and may not
9 appear as counsel or represent any party professionally before any court, board,
10 commission, or agency of this State or of any of its political subdivisions, or otherwise
11 engage in the private practice of law.

12 (2) The State's Attorney may appoint [a] deputy State's [Attorney]
13 ATTORNEYS. The deputy State's [Attorney] ATTORNEYS shall serve full time and
14 may not engage in the private practice of law. The salary of [the] EACH deputy
15 State's Attorney shall be set by THE STATE'S ATTORNEY, SUBJECT TO THE APPROVAL
16 OF the County Commissioners.

17 (3) The State's Attorney may appoint assistant State's Attorneys [in the
18 number approved by the senior resident Circuit Court judge for Charles County]. The
19 assistant State's Attorneys may serve either part time or full time. An assistant
20 State's Attorney may not engage in the private practice of criminal law. The salary of
21 each assistant attorney shall be set by the STATE'S ATTORNEY, SUBJECT TO THE
22 APPROVAL OF THE County Commissioners and may not exceed the salary of the
23 State's Attorney.

24 (4) The deputy State's [Attorney] ATTORNEYS and the assistant State's
25 Attorneys shall serve at the pleasure of the State's Attorney and shall perform such
26 work as may be directed by the State's Attorney, or as authorized by law, and may
27 present cases to the grand juries, sign indictments and criminal informations, and
28 perform other functions necessary and proper to the operation of the office.

29 (5) The State's Attorney may appoint clerical, administrative,
30 investigative, and other assistants as the State's Attorney deems necessary for the
31 proper conduct of the office. The salaries for these positions shall be SET BY THE
32 STATE'S ATTORNEY, subject to the approval of the County Commissioners. The
33 employees shall be entitled to all benefits received by county employees.

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
35 effect October 1, 2003.

